



Agenda Date: 8/18/03
Agenda Item: IV A

STATE OF NEW JERSEY

Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.state.nj.us

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF)	<u>ORDER OF APPROVAL</u>
WARWICK VALLEY TELEPHONE)	
COMPANY FOR APPROVALS)	
OF MUNICIPAL AND COUNTY CONSENTS)	DOCKET NOS. TE03040323 through
PURSUANT TO <u>N.J.S.A. 48:2-14</u>)	TE03040326

(SERVICE LIST ATTACHED)

BY THE BOARD:

On April 25, 2003, Warwick Valley Telephone Company d/b/a WVT Communications ("WVT") filed petitions with the Board requesting approval of consents received by WVT to place its telecommunications equipment in the public rights-of-way of each of following Municipalities or Counties:

Township of Vernon, Sussex County	(Docket No. TE03040323)
Township of West Milford, Passaic County	(Docket No. TE03040324)
County of Sussex	(Docket No. TE03040325)
County of Passaic	(Docket No. TE03040326)

The approval of these consents is requested pursuant to N.J.S.A. 48:2-14, which provides in pertinent part:

[n]o privilege or franchise granted . . . to any public utility by a political subdivision of this [S]tate shall be valid until approved by the [B]oard. Such approval shall be given when, after hearing, the [B]oard determines that the privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests . . .

WVT provides incumbent local exchange services in portions of Vernon and West Milford Township. WVT also is authorized by the Board to provide competitive local exchange services in all areas of New Jersey outside of its incumbent local exchange territory pursuant to the Board's Order in Docket No. TE98090985, dated March 3, 1999.

After appropriate notice, a public hearing in this matter was held on July 22, 2003, at the Board's Newark offices before Edward D. Beslow, Esq., the Board's duly designated Hearing Officer. At hearing, WVT relied on and presented the testimony of Keith E. Kruger, its Outside Plant Manager. In support of the petitions, Mr. Kruger testified that WVT has been providing basic local exchange services in New Jersey since at least the 1930's. He also testified that WVT requires access to public rights-of-way in order to construct and maintain its facilities so that it can continue to provide safe, adequate and reliable service. He further testified that, in his experience, WVT has good working relationships with the subject Counties and Municipalities, and has been responsive in addressing placement of facilities, minimization of safety risks during construction or maintenance, provision of information, and compliance with any local permitting requirements.

By letter, dated June 26, 2003, the Division of the Ratepayer Advocate indicated that it did not object to Board's approval of the petitions, subject to the qualification that a durational term of 50 years should be implied in any consent that does not contain a specific term of years. The Board would note that while the consent granted by the County of Passaic set out a term of a period of 50 years from the date of Board approval, the terms of the consents granted by the other governmental bodies were not specified.

After review of the record, pursuant to the provisions of N.J.S.A. 48:2-14, the Board FINDS that the consents granted to WVT by the Township of Vernon, the Township of West Milford, the County of Sussex and the County of Passaic are necessary and proper for the public convenience and properly conserve the public interest.

The Board HEREBY APPROVES the aforementioned consents for the terms set out therein. For each consent that is silent with respect to a term of years it is in effect, namely the Townships of Vernon and West Milford and the County of Sussex, the Board shall imply a term of 50 years from the date of this Order.

DATED: 8/19/03

BOARD OF PUBLIC UTILITIES
BY:

(signed)
JEANNE M. FOX
PRESIDENT

(signed)
FREDERICK F. BUTLER
COMMISSIONER

(signed)
CAROL J. MURPHY
COMMISSIONER

(signed)
CONNIE O. HUGHES
COMMISSIONER

(signed)
JACK ALTER
COMMISSIONER

ATTEST:

(signed)
KRISTI IZZO
SECRETARY

**I/M/O the Petition of Warwick Valley Telephone Company for Approvals of
Municipal and County Consents Pursuant to N.J.S.A. 48:2-14**

SERVICE LIST

Docket Nos. TE03040323 through TE03040326

Bradford M. Stern, Esq.
Rothfelder Stern, L.L.C.
625 Central Avenue
Westfield, NJ 07090

Seema M. Singh, Esq.
Jose Rivera-Benitez, Esq.
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
Newark, NJ 07102

Kristi Izzo, Secretary
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Majid Hasan
Division of Telecommunications
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Grace Kurdian, D.A.G.
Department of Law & Public Safety
124 Halsey Street, 5th Floor
Newark, NJ 07102